

**NOT YET SCHEDULED FOR ORAL ARGUMENT**  
**Appeal No. 17-7035**  
**(Consolidated with Appeal No. 17-7039)**

---

**United States Court of Appeals**  
**FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

American Society for Testing and Materials; National Fire Protection Association, Inc.; and American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc.,

*Appellees,*

v.

Public.Resource.Org, Inc.,

*Appellant.*

---

Appeal from the United States District Court for the District of Columbia  
Hon. Tanya S. Chutkan  
1:13-cv-1215-TSC  
1:14-cv-0857-TSC

---

**NOTICE OF PAPER FILING OF SEALED MATERIALS**

---

Andrew P. Bridges abridges@fenwick.com	Corynne McSherry corynne@eff.org	David Halperin davidhalperindc@gmail.com
Matthew B. Becker mbecker@fenwick.com	Mitchell L. Stoltz mitch@eff.org	1530 P Street NW Washington, DC 20005
Fenwick & West LLP 555 California Street San Francisco, CA 94104 Phone: (415) 875-2300	Electronic Frontier Fndn. 815 Eddy Street San Francisco, CA 94109 Phone: (415) 436-9333	Phone: (202) 905-3434

Attorneys for Appellant Public.Resource.Org, Inc.  
Additional Counsel Listed on Inside Cover

Michael J. Songer  
John I. Stewart Jr.  
Clifton S. Elgarten  
Mark Thomson  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2505  
Phone: (202) 624-2500  
[celgarten@crowell.com](mailto:celgarten@crowell.com)

Attorneys for Plaintiffs-Appellees  
American Educational Research  
Association, Inc.; American Psychological  
Association, Inc.; and National Council  
On Measurement In Education, Inc.

Donald B. Verrilli, Jr.  
Munger, Tolles & Olson LLP  
1155 F. Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20004  
[dонаld.verrilli@mto.com](mailto:donald.verrilli@mto.com)

Kelly M. Klaus  
Rose Leda Ehler  
Munger, Tolles & Olson LLP  
560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105  
Phone: (415) 512-4000  
[kelly.klaus@mto.com](mailto:kelly.klaus@mto.com)  
[rose.ehler@mto.com](mailto:rose.ehler@mto.com)

Attorneys for National Fire Protection  
Association, Inc.

Allyson N. Ho  
Morgan, Lewis & Bockius LLP  
1717 Main Street, Suite 3200  
Dallas, TX 75201  
Phone: (214) 466-4180  
[allyson.ho@morganlewis.com](mailto:allyson.ho@morganlewis.com)

J. Kevin Fee  
Jordana S. Rubel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Phone: (202) 739-5353  
[kevin.fee@morganlewis.com](mailto:kevin.fee@morganlewis.com)  
[jordana.rubel@morganlewis.com](mailto:jordana.rubel@morganlewis.com)

Attorneys for American Society for  
Testing and Materials d/b/a/ ASTM  
International

Joseph R. Wetzel  
Anne Voigts  
King & Spalding LLP  
101 Second Street, Suite 2300  
San Francisco, CA 94105  
Phone: (415) 318-1211  
[jwetzel@kslaw.com](mailto:jwetzel@kslaw.com)  
[avoigts@kslaw.com](mailto:avoigts@kslaw.com)

J. Blake Cunningham  
King & Spalding LLP  
500 West 2<sup>nd</sup> Street, Suite 1800  
Austin, TX 78701  
Phone: (512) 457-2000  
[bcunningham@kslaw.com](mailto:bcunningham@kslaw.com)

Attorneys for American Society of  
Heating, Refrigerating, and Air  
Conditioning Engineers, Inc.

Attorneys for Appellant Public.Resource.Org, Inc. certifies the required paper copies of the **Appendix Supplement – Under Seal Volume** have been filed with the Court via hand delivery on January 31, 2018. The Public Volumes of the Appendix are also being sent to the Court today via first-class mail. In accordance with the Court's rules, only the Public Volumes have been filed with the Clerk of Court using the CM/ECF System.

Additionally, on this same date I caused an electronic version of the aforementioned documents to be sent via email and a paper copy of the documents to be sent via first-class mail to:

Donald B. Verrilli, Jr.  
Munger, Tolles & Olson LLP  
1155 F. Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20004  
[donald.verrilli@mto.com](mailto:donald.verrilli@mto.com)

Kelly M. Klaus  
Rose Leda Ehler  
Munger, Tolles & Olson LLP  
560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105  
Phone: (415) 512-4000  
[kelly.klaus@mto.com](mailto:kelly.klaus@mto.com)  
[rose.ehler@mto.com](mailto:rose.ehler@mto.com)

Attorneys for National Fire Protection Association,  
Inc.

Allyson N. Ho  
Morgan, Lewis & Bockius LLP  
1717 Main Street, Suite 3200  
Dallas, TX 75201  
Phone: (214) 466-4180  
[allyson.ho@morganlewis.com](mailto:allyson.ho@morganlewis.com)

J. Kevin Fee  
Jordana S. Rubel  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Phone: (202) 739-5353  
[kevin.fee@morganlewis.com](mailto:kevin.fee@morganlewis.com)  
[jordana.rubel@morganlewis.com](mailto:jordana.rubel@morganlewis.com)

Attorneys for American Society for Testing and  
Materials d/b/a/ ASTM International

Joseph R. Wetzel  
Anne Voigts  
King & Spalding LLP  
101 Second Street, Suite 2300  
San Francisco, CA 94105  
Phone: (415) 318-1211  
[jwetzel@kslaw.com](mailto:jwetzel@kslaw.com)  
[avoigts@kslaw.com](mailto:avoigts@kslaw.com)

J. Blake Cunningham  
King & Spalding LLP  
500 West 2<sup>nd</sup> Street, Suite 1800  
Austin, TX 78701  
Phone: (512) 457-2000  
[bcunningham@kslaw.com](mailto:bcunningham@kslaw.com)

Attorneys for American Society of Heating,  
Refrigerating, and Air Conditioning Engineers, Inc.

Michael J. Songer  
John I. Stewart Jr.  
Clifton S. Elgarten  
Mark Thomson  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004-2505  
Phone: (202) 624-2500  
[celgarten@crowell.com](mailto:celgarten@crowell.com)

Attorneys for Plaintiffs-Appellees  
American Educational Research Association, Inc.;  
American Psychological Association, Inc.; and  
National Council On Measurement In Education, Inc.

Dated: January 31, 2018

By: /s/ Andrew P. Bridges  
Andrew P. Bridges (admitted)  
[abridges@fenwick.com](mailto:abridges@fenwick.com)  
Matthew B. Becker (admitted)  
[mbecker@fenwick.com](mailto:mbecker@fenwick.com)  
FENWICK & WEST LLP  
555 California Street, 12th Floor  
San Francisco, CA 94104  
Telephone: (415) 875-2300  
Facsimile: (415) 281-1350

*Attorneys for Appellant  
Public.Resource.Org, Inc.*

**CERTIFICATE OF SERVICE**

I, hereby certify that on January 31, 2018, I electronically filed the foregoing **Notice of Paper Filing of Sealed Materials** with the Clerk of the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: January 31, 2018

By: /s/ Andrew P. Bridges  
Andrew P. Bridges (admitted)  
abridges@fenwick.com  
Matthew B. Becker (admitted)  
mbecker@fenwick.com  
FENWICK & WEST LLP  
555 California Street, 12th Floor  
San Francisco, CA 94104  
Telephone: (415) 875-2300  
Facsimile: (415) 281-1350

*Attorneys for Appellant  
Public.Resource.Org, Inc.*